

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOSÉ A. CRUZ KERKADO; et al

Plaintiff

v.

**COMMONWEALTH OF PUERTO RICO;
et al**

Defendants

CIVIL NO.: 16-2748 (ADC)

Declaratory and Injunctive Relief
Constitutional Rights

MOTION FOR JOINDER TO DOCKET NO. 36; AND
REINSTATING ARGUMENTS IN DOCKET NO. 32

TO THE HONORABLE COURT:

COME NOW, Co-Defendants, the Commonwealth of Puerto Rico, the Puerto Rico Police Department and the Puerto Rico Department of Leisure and Sports, without submitting to this Honorable Court's jurisdiction or waiving any affirmative defense, through the undersigned Attorneys, and respectfully **STATE** and **PRAY** as follows:

1. On January 20, 2017, Plaintiffs filed a "Motion for Declaratory Judgment for the Plaintiffs" enclosing a recent case from the Seventh Circuit Court of Appeals, which is nonbinding to this Honorable District Court nor is it even applicable to any of the allegations in the case at bar, since the aforementioned case, Ezell v. City of Chicago, 2017 U.S. App. LEXIS 900, only concerns zoning and age restriction laws. (Dkt. No. 35).

2. As a result, on that same day, Co-Defendant, Puerto Rico Shooting Association filed a "Motion to Strike Plaintiffs' Motion for Declaratory Judgment", in essence, arguing that Plaintiffs' motion is actually a surreply to Co-Defendant's Docket No. 34, and that

Motion for Joinder and to Reinstate Argument

Case No. 16-2748

such a request -a declaratory judgment- is a relief that must be requested in the Complaint, not in a separate document. (Dkt. No. 36).

3. Thus, appearing Co-Defendants respectfully request that this Honorable Court allow them to join the arguments held in Docket No. 36.

4. On another set of things, on January 11, 2017, the appearing Co-Defendants filed a “Motion to Strike Docket No. 30” (Dkt. No. 32), arguing that “Plaintiff[s]’ Memorandum in Opposition to Defendant PRSA’s Motion to Dismiss [Docket No. 18] and Defendant Justice Department’s Motion to Dismiss [Docket No. 19]” (Dkt. No. 30)¹ was moot, considering that there is a request for leave to amend the Complaint that is still pending (Dkt. No. 28) and a clear intention from Plaintiffs to do so when they filed their Amended Complaint without prior leave from this Honorable Court (Dkt. No. 29).

5. Appearing Co-Defendants reinstate and incorporate as if fully set herein all of the facts and arguments stated in their Docket No. 32.

6. As a consequence, appearing Co-Defendants respectfully request from this Honorable Court to strike Plaintiffs’ Docket No. 30, and all other document filed as a result thereof.

WHEREFORE, appearing Co-Defendants respectfully request from this Honorable Court to take notice of all of the above stated, **GRANT** the instant motion in all of its parts and, as a consequence, **ALLOW** them to join Docket No. 36, **STRIKE** Plaintiffs’ Docket No. 30, and all other document filed as a result thereof, along with any other relief that is deemed available by law.

¹ This Honorable Court should be mindful that the Department of Justice is not a party in the case at bar.

Motion for Joinder and to Reinstate Argument

Case No. 16-2748

I HEREBY CERTIFY that on this same date, I have electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th day of January, 2016.

WANDA VÁZQUEZ GARCED

Secretary of Justice

WANDYMAR BURGOS VARGAS

Acting Deputy Secretary
General Litigation Office and Acting
Director Federal Litigation and
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